

**UNITED STATES DISTRICT COURT**  
 for the  
 Western District of Washington

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	WESTERN DISTRICT OF WASHINGTON AT TACOMA	
	BY _____ DEPUTY	

***In the Matter of the Search of:***  
 LELAND DALE EICHINGER

**Case No.** 3:20-mj-05294

**APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE**

I, Stephanie Varney, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one or more tubes or vials should be taken from the following person:

**LELAND DALE EICHINGER**

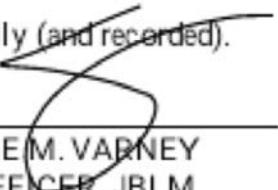
located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
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This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- By reliable electronic means.  Telephonically (and recorded).

  
 STEPHANIE M. VARNEY  
 POLICE OFFICER, JBLM

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 21<sup>st</sup> day of December, 2020.



THE HON. THERESA L. FRICKE  
 UNITED STATES MAGISTRATE JUDGE

1 STATE OF WASHINGTON )  
2 ) ss  
COUNTY OF PIERCE )  
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4 **AFFIDAVIT OF STEPHANIE VARNEY**

5 I, Stephanie M. Varney, an officer in the Joint Base Lewis-McChord Police  
6 Department located at Joint Base Lewis-McChord in Pierce County, Washington, having  
7 been duly sworn, state as follows:

8 **AFFIANT BACKGROUND**

9 1. I have served as a law enforcement officer for the past five years. My  
10 training and experience relevant to the investigation discussed below includes the  
11 following: Basic law enforcement training at the Federal Law Enforcement Training  
12 Center, and training in Standardized Field Sobriety Testing to National Highway Traffic  
13 Safety Administration (NHTSA) Standards. I am currently certified as an operator for  
14 the breath-testing instrument in the State of Washington. Through my past training and  
15 experience I have learned to recognize signs of alcohol and/or drug impairment in  
16 persons and to determine whether or not a person's ability to operate a motor vehicle  
17 safely is impaired. I am also aware from my training and experience that most drugs  
18 once ingested including alcohol, will be detectable in a person's blood. I am also trained  
19 to recognize the signs and evidence of an alcohol and/or drug related collision. I have  
20 received training in collision investigation while attending the Traffic Management  
21 Collision Investigation (T.M.C.I.) course.

22 2. The entire incident I am about to describe occurred in the jurisdictional  
23 boundaries of Joint Base Lewis-McChord, Washington.

24 3. The information presented in this affidavit is:

25  Based on my personal observations and interviews that I have  
26 conducted.

27 **INTRODUCTION AND PURPOSE OF THE AFFIDAVIT**

28 4. The purpose of this affidavit is to seek a search warrant to authorize me or  
other law enforcement officers to direct a physician, a registered nurse, a licensed

practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from **LELAND DALE EICHINGER** (hereafter “the Subject”). This warrant is requested for the purpose of gathering evidence of the following crime(s):

- Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
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5. I am seeking to present this application for a search warrant by electronic means because the natural metabolism of alcohol or drugs in the bloodstream may result in the loss of this evidence in the time it would take to present a search warrant application in a more traditional fashion.

## **SUMMARY OF PROBABLE CAUSE**

6. As a result of my duties I am familiar with the jurisdictional boundaries of Joint Base Lewis-McChord in Pierce County, Washington. The incident described below occurred within these jurisdictional boundaries, an area within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7.

7. The initial contact with the Subject occurred on December 21, 2020 at approximately 1:13 p.m. at Joint Base Lewis-McChord, Washington.

1       8. Based on my training and experience, I believe the Subject may be under  
 2 the influence of intoxicants or drugs because: (a) he drove his vehicle into a tree; (b) a  
 3 witness to the collision smelled alcohol on the Subject; and (c) the Subject admitted to  
 4 consuming alcohol before driving his vehicle into a tree. More specifically, I was  
 5 dispatched by the Joint Base Emergency Communication Center to the site of a single-  
 6 vehicle collision at the intersection of Hillside Drive and Garcia Boulevard, located on  
 7 Joint Base Lewis-McChord, Washington. When I arrived at the scene, I saw that the  
 8 Subject's vehicle, a 2000 Toyota Celica bearing Washington State license plate number  
 9 BRM7954, had front-end damage from colliding with a tree. I saw the Subject standing  
 10 outside his vehicle; he was leaning on the vehicle's passenger door in order to support  
 11 himself. The Subject told me that he had difficulty breathing.

12      9. I also spoke with David Riddle ("Riddle"), a witness to the single-vehicle  
 13 accident. Riddle told me that he pulled the Subject out of the Subject's vehicle after the  
 14 accident.

15      10. Medical services professionals arrived at the scene and assessed the  
 16 Subject. After assessing the Subject, they transported the Subject to the Madigan Army  
 17 Medical Center's Emergency Room, where he was assessed for possible injuries to his  
 18 lungs. Medical professionals administered fentanyl to the Subject for his injuries, after  
 19 performing a CT scan upon him. While at the Madigan Army Medical Center, another  
 20 law-enforcement officer told me that Riddle stated that he smelled a faint odor of alcohol  
 21 when he was in contact with the Subject.

22      11. At approximately 2:32 p.m., law enforcement agents advised the Subject of  
 23 his rights. After being informed of those rights, the Subject voluntarily agreed to give a  
 24 statement to the officers. The Subject stated that he consumed alcohol at a friend's house  
 25 at around 12:00 p.m. He further stated that he was driving home from his friend's house  
 26 when he drove his car into a tree. When speaking with the Subject, I saw that his face  
 27 was flush, and that his eyes were watery and blood-shot. I also noticed that his speech  
 28 was slightly slurred and strained.

1       12. The Subject is incapable, due to potential for injuries to his lungs, of  
2 submitting to a blood alcohol test. Law enforcement officers have not asked the Subject  
3 to submit to a blood test, in part because the Subject has been given pain medication that  
4 may affect his consent to a voluntary blood draw.

5        13. A sample of blood extracted from the Subject, if taken within a reasonable  
6 period of time after he/she last operated, or was in physical control of, a motor vehicle,  
7 may be tested to determine his/her current blood alcohol level and to detect the presence  
8 of any drugs that may have impaired his/her ability to drive. This search warrant is being  
9 requested within approximately three hours after the Subject is believed to have ceased  
10 driving or was found in physical control of a motor vehicle.

## **CONCLUSION**

12        14. For the reasons stated above, I request authority to direct a physician, a  
13 registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter  
14 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW,  
15 a first responder as defined in chapter 18.73 of the RCW, an emergency medical  
16 technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in  
17 chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a  
18 blood sample consisting of one or more tubes or vials from LELAND DALE  
19 EICHINGER.

15. This application for a warrant is being presented electronically pursuant to  
Fed. R. Crim P. 4.1 & 41(d)(3).

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I certify (or declare) under penalty of perjury under the laws of the United States  
that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated this 21st day of December, 2020.

STEPHANIE M. VARNEY, AFFIANT  
POLICE OFFICER  
JOINT BASE LEWIS-MCCHORD

The above-named agent provided a sworn statement attesting to the truth of the  
foregoing affidavit on this 21st day of December, 2020.

*Theresa L. Fricke*

THE HON. THERESA L. FRICKE  
UNITED STATES MAGISTRATE JUDGE